

## **REMARKS**

Applicants respectfully request reconsideration and allowance of all pending claims presented herein.

### **I. Status of the Claims and Allowable Subject Matter**

Prior to the entry of this Amendment A, claims 1-10, 12, 13 and 15-23 were pending. Claims 13, 15 and 23 have been rejected in the present Office action, while claims 1-10, 12 and 16-22 have been allowed.

In this Amendment A, Claims 13 and 15 have been amended, and claim 23 has been cancelled, in order to more particularly claim certain embodiments of the present application. Additionally, new claims 24-26 have been added. Accordingly, upon entry of this Amendment A, claims 1-10, 12, 13, 15-22 and 24-26 will be pending.

Claim 13 has been amended to include the details of dependent claim 23 (claim 23 having been cancelled), with the exception that the sole structure in the third row thereof (i.e., the structure of cis-diamminedichloroplatinum(II), or cis-platin) has been deleted.

Claim 15 has been amended to recite a process step. Support for this amendment may be found in Applicants' specification at paragraph [0042].

Finally, new claim 24, directed to the process of claim 12 wherein the precursor is cis-diamminedichloroplatinum(II), and new claims 25-26, directed to the precursor of claim 13 or the metal complex of claim 1, respectively, wherein M is one of the recited transition metals, has been added. Support for new claim 24 may be found in original claims 13 and 23, and in the specification in paragraph [0105]. Support for new claims 25-26 may be found, for example, in claims 2 and 13, as previously pending.

### **II. 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph Rejection and 35 U.S.C. § 101 Rejection**

Claim 15 was rejected in the present Office action under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office rejected claim 15 as a use claim with no method or process steps being recited therein. Additionally, claim 15 was rejected under 35 U.S.C. § 101, for essentially the same reason.

In response thereto, it is to be noted that claim 15, as amended, now recites a process step (i.e., "administering the metal complex of claim 1 to a host . . ."). Accordingly, Applicants respectfully submit that these rejections have effectively been rendered moot. Applicants therefore request reconsideration of the present rejections.

### III. 35 U.S.C. § 102(b) Rejections

The Office has rejected claims 13 and 23 as being anticipated by U.S. Patent No. 5,393,909, which is cited as disclosing cisplatin, or cis-diamminedichloroplatinum(II). As noted above, Claim 23 has been cancelled, while claim 13 has been amended to include the details of claim 23, with the **exception** that the structure of cis-diamminedichloroplatinum(II), or cisplatin, has been deleted. Inasmuch as the Office focuses only on the disclosure of cisplatin in the cited patent, for purposes of rejecting these claims, Applicants respectfully submit the amendments presented herein to claim 13 effectively render the rejection moot. Applicants therefore submit the subject matter of claim 13, as pending, is novel, and thus request reconsideration of this rejection.

### CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and allowance of all pending claims.

Applicants do not believe that a fee is due in connection with the submission of this Amendment A. However, if the Office determines that a fee is due, Applicants hereby authorize the Commissioner to charge Deposit Account No. 13-1160.

Respectfully submitted,



Anthony R. Kinney, Reg. No. 44,834  
Mallinckrodt Inc.  
675 McDonnell Boulevard  
Hazelwood, Missouri 63042  
(314) 654-3960

VIA EFS